

**AGENDA**  
**City Council Members' "Noon" Meeting**  
**Monday, February 14, 2000**  
**Immediately Following Director's Meeting**  
**Conference Room 113**

**I. MINUTES**

1. Minutes from Director's Meeting of February 7, 2000
2. Minutes of "Noon" Council Member's Meeting of February 7, 2000

**II. COUNCIL REPORTS ON BOARDS, COMMITTEES, COMMISSIONS AND CONFERENCES**

1. Board of Health Meeting (Johnson) - Held over from February 7, 2000 - held over until 28, 2000.
2. EMS Task Force Meeting (Johnson) - Held over from February 7, 2000 - held over until 28, 2000
3. Public Building Commission (Camp/Seng)
4. ISPC Meeting (Fortenberry)
5. Board of Health (Johnson)
6. Multicultural Advisory Committee (McRoy)
7. EMS Task Force Meeting (Shoecraft)
8. Parks & Rec. Advisory Board Meeting (Shoecraft)

**OTHER MEETINGS REPORTS:**

**III. APPOINTMENTS/REAPPOINTMENTS**

1. MEMO from Jennifer Brinkman - RE: Upcoming Appointments (See Memo).

**IV. MEETINGS/INVITATION**

1. 2000 Nebraska Leadership Prayer Breakfast - with The Governor, The Legislature, and The judiciary - Justice John Gerrard, NE Supreme Ct., Presiding Representative Zach Wamp of Tennessee, Keynote Speaker - "Meaningful Friendship" on Friday, February 18, 2000 at the Cornhusker Hotel from 6:30 a.m. to 8:30 a.m. - Tickets are \$13.00 each or \$130.00 at table, 10 seats - RSVP to 423-2282 (See Invitation).
2. The Lincoln Chaplaincy Corps which is sponsored by the Lincoln Police and Fire Departments of our fine city is valued by the Corps. On Tuesday, March 14, 2000, they will hold their Annual Banquet/Meeting and would be pleased to have you and your

spouse (or guest) as our guest that evening. The event will be held at St. Mary's Catholic Church, 14<sup>th</sup> & "K" Street in the church basement. Social time will begin at 6:00 p.m. and dinner will be served at 6:30 p.m. The banquet will include a meat dish, however a vegetarian menu will also be available - RSVP by March 3, 2000 - Please fill out your reservation forms if you plan on attending this event so I can have all the information they need when Virginia from LPD calls for it. (See Invitation).

**V. COUNCIL MEMBERS**

**VI. REQUESTS OF COUNCIL FROM MAYOR - NONE**

**VII. MISCELLANEOUS - NONE**

**VIII. ADJOURNMENT**

**MINUTES**  
**CITY COUNCIL MEMBERS “NOON” MEETING**  
**MONDAY, FEBRUARY 14, 2000**  
**CONFERENCE ROOM 113**

**Council Members Present:** Coleen Seng, Chair; Jeff Fortenberry, Vice-Chair; Jonathan Cook, Annette McRoy, Jerry Shoecraft, Jon Camp. **Absent:** . Cindy Johnson.

**Others Present:** Ann Harrell, Mayor’s Office; Dana Roper, Don Taute, City Attorney’s Office; Kathleen Sellman, Nicole Fleck-Tooze, Planning; Steve Masters, Public Works; Mark Hunzeker, Attorney; Joan Ray, City Council Secretary; and Chris Hain, *Lincoln Journal Star* Representative.

Prior to the Meeting Agenda being addressed, Ms. Seng called the Planning and Public Works representatives forward to make a presentation on the Minimum Flood Corridor on the Proposed Stormwater Ordinance Revisions.. Ms. Nicole Fleck-Tooze passed out the attached Memorandum and then reviewed that document with Council.

Mr. Taute indicated that he had motions to amend for the 60 feet and 80 feet alternatives already prepared. The alternative shown on the back of the handout hasn’t had a lot of discussion and there has been no language put together on that one yet. Mr. Taute was not sure how that alternative would be addressed.

The one other item for which Mr. Taute had a motion to amend already prepared was to address some of the concerns that Mark raised last week regarding encroachments within the flood corridor. If you recall there was reference made to allow for encroachments in the flood corridor without having to comply with mitigation requirements that are addressed in the design standards for such things as utility crossings, hiker-biker trails, recreational purposes, and other public purposes. There was no mention of that in the ordinance, so a proposed motion to amend has been prepared to address that issue by essentially saying that encroachments within the corridor would be permitted in accordance with the flood corridor management provisions of the Stormwater Drainage Design Standards. This references the language that was just quoted, to allow encroachments and do away with the necessity of mitigation to allow for utility crossings, road crossings and other public purposes such as hiker-biker trails. Mr. Taute stated that he did not think that was an unreasonable request to specifically set forth because the ordinance does control over the Design Standards. To make that reference in the ordinance is consistent with what we’ve done in many other instances...particularly stormwater detention/retention. There is a direct reference to the Design Standards.

Ms. Seng commented that this had been discussed at the Task Force, but it had not made it into the report. Mr. Taute asked if she was referring to the encroachment within the flood corridors? He thought that verbiage made it into the Design Standards, but it didn’t get into the Ordinance. He felt that was what Mark was addressing, noting that the ordinance will take precedent over Design Standards. So, this amendment, which would make specific reference to allowing those encroachments according to the Design Standards, addresses that concern.

Discussion was held for clarification of the proposed Alternative Widths in the proposed minimum flood corridor.

Mr. Fortenberry wanted the landowner to have the opportunity to initiate a plan, through skilled work, that would achieve the same results in terms of storm water management plan, environmental protection and water quality issues, that varied from the blanket “number of foot” rule set out in this ordinance. For example, if they had a piece of wetlands on the site and they presented a plan, based on their land configuration and development needs, they could vary the individual “foot” number if the overall

plan met the basic criteria of the Standards; the plan would have to show that there would be no impact on stormwater management by doing that. Such flexibility might even enhance the quality of the development in terms of environmental water quality standards. Could such flexibility be built into the ordinance? The developers could follow the plan, or if they wanted to come in with a mitigation plan, which is like what we do with density bonuses now. He felt such a plan could be submitted for the Director's review and just have the Planning Director approve or disapprove the plan.

Ms. Fleck-Tooze answered that one potential issue would be 'would you need standards that were set up in place, so you knew in reviewing that they were, in fact, providing the same level of stormwater benefit'. Mr. Fortenberry thought that standard was in place by the mere fact that you're saying 100 feet is going to manage these aspects of these desired policy units. If you're saying they're not really measurable, then we have quite a case on our hands.

Ms. Fleck-Tooze stated that she was talking more in terms of mitigation more than the compensation for decreasing in one location. She felt that would be acceptable, but the concern would be trying to define how we would know that that was a proportional increase elsewhere. Mr. Fortenberry commented that it would be known through the plan that they would have to submit showing that; in other words, if they did a hydrological study. He stated that if this could not be done, he would not *demand* that it be done. He was just looking in the realm of ideas to build in a little flexibility, but at the same time meet the desired ends for the developer and, in our public purposes, the desired ends for the community.

Mr. Cook asked if the Council wanted to go forward with some more complicated standard today, or pick a particular number...is that what we're trying to decide? Mr. Fortenberry noted that his amendment would not replace the standard, but would provide for a developer who wanted to submit a plan that stated the standards could be met, while still providing flexibility within the development.

Mr. Cook noted that he was discussing that a week ago about having some sort of procedure for adopting design standards that would allow for a more detailed formula rather than a specific number. In the meantime, we adopted the specific number. He noted that the City Attorney's Office was not comfortable with that idea. He commented, that because we always have that power as a Council to come back and amend and add in design standards, he wondered if it would be reasonable to adopt something more fixed today with the understanding that some additional language will come forward.

Mr. Taute felt that the flexibility was in place now under the enforcement provisions in the subdivision ordinance. It does not matter what the standard is, there are provisions in there now under modification of requirements that says that whenever a tract subdivided is of unusual size or shape or surrounded by development or unusual conditions that the strict applications of the requirements in these regulations would result actual difficulties or substantial hardship [inaudible] would justify modification. Mr. Taute stated that this would give Council a substantial amount of leeway to come forward in specific circumstance. If more particulars in design standards need to be addressed, that certainly could be done, too.

Mr. Cook felt that if waivers to the standard are too convenient, what is the point of having the standard. Can we set something that is likely to be adhered to most of the time, or are we going to put in something that likely to almost never be adhered to, but will always have waivers requested and Council will always be granting the waiver. Then the standards don't mean very much.

Mr. Taute felt the 60 foot standard accomplishes that based on the discussions that were held over the last four or five years in Storm Water Advisory Task Force. That was what was determined after a great deal of study. He felt that, regardless of the charge that this was a number that was plucked out of the air, the Corp of Engineers does utilize that formula when talking about any situation when you're changing the direction of the channel.

Likewise the information that Ms. Fleck-Tooze gave to Council last Monday would certainly establish that there are a number of communities that look at a 100 foot standard as being reasonable. From that standpoint, would we see a waiver every time? We don't know.

Right now, the developer has to show, on the preliminary plat a corridor or flow route necessary to convey a 100 year storm. Ms. Fleck-Tooze stated that today there is no requirement to preserve the existing flood corridor route or the existing flood levels.

Mr. Shoecraft proposed that this issue be delayed a week since different alternatives have been presented. He mentioned that he was not comfortable with the 100 foot proposal and would prefer to see it at 60 feet. He felt the 100 foot proposal would add to urban sprawl and deduct from affordable housing opportunities. He felt the full body of the Council should be in attendance to vote on this issue. Since Ms. Johnson will be here next week, and Mr. Shoecraft would be able to be in attendance for the entire meeting then (including the Voting Session), he felt that the issue should be held over one week.

There was further limited discussion which also covered such issues of fill and grading, but Council did delay the issue until the February 22, 2000 meeting for a final vote.

## **I. MINUTES**

1. Minutes from Director's Meeting of February 7, 2000.
2. Minutes of "Noon" Council Members' Meeting of February 7, 2000.

Ms. Seng, Council Chair, requested a motion to approve the above-listed minutes. Jon Camp moved approval of the minutes, as presented. Annette McRoy seconded the motion, which carried by the following vote: AYES: Jonathan Cook, Annette McRoy, Coleen Seng, Jeff Fortenberry, Jerry Shoecraft, Jon Camp; NAYS: None; ABSENT: Cindy Johnson.

## **II. COUNCIL REPORTS ON BOARDS, COMMITTEES, COMMISSIONS AND CONFERENCES**

1. BOARD OF HEALTH MEETING (Johnson) - Held over from February 7, 2000-held over until February 28, 2000.
2. EMS TASK FORCE MEETING (Johnson) - Held over from February 7, 2000-held over until February 28, 2000.
3. PUBLIC BUILDING COMMISSION (Camp/Seng) Mr. Camp reported that they had met and determined that the Open House will be held in early May (May 5th and May 6th). Ms. Seng reported that May 6th both buildings will be open to the public. May 5th will be the dedication.

Mr. Shoecraft asked a question regarding the Hall of Justice. He felt it was rather odd to have a picture in the paper showing the blueprints of the building and showing where the secure corridors were located. Ms. Seng assured Mr. Shoecraft that the plans were "fudged" a little in the published article. Ms. Harrell noted, facetiously, that the diagram was a 'decoy'.

Mr. Camp handed out a drawing of the Directory Box to be installed on the main floor near the front of this building. This will, hopefully, cut down on the interruptions experienced by

the County Commissioners Staff and Council Staff from the public wandering through looking for directions. It will be set up toward the front door near the Information Desk.

Mr. Camp noted that one item regarding furniture in the Hall of Justice related to the Court Room pews which came in with cherry stain on the oak woodwork. Steve Flanders is working on that and will get back to us with some costs associated in getting that resolved. [Why there would be costs involved in correcting a contractor's error was not discussed] He noted that they would experiment with one Court Room and see what is necessary to be done.

He reported that a Parking meeting had been held last Thursday. Ms. Seng commented that she thought NEBCO is coming through to open up space for 50-80 more stalls.

Ms. Seng reported that the care of the new tenants in the Old Federal Building was discussed. That would be the State people, as well as all of our employees (mostly county) who are still over there. How will we be transporting them back and forth; will the State folks be encouraged to keep their own parking where ever they've got it and utilize a shuttle to go back and forth; how much to charge for the shuttle - with the State having to pick that cost up. Mr. Camp stated that it would probably be about \$24,000-\$30,000.

Ms. Seng commented that there was a lot of discussion all dealing with parking and all the employees and where we'll put them. Mr. Camp commented that he was having a meeting Friday at 1:30 p.m. He noted that the Chancellors Office would be represented and the State and DLA would also be in attendance. He commented that Ann reminds him that there is the StarTran Task Force, but after hearing everything from the State, timing seems to be very critical in getting this downtown shuttle established.

4. ISPC MEETING (Fortenberry) - Mr. Fortenberry was unable to attend the meeting.

5. BOARD OF HEALTH (Johnson) - Ms. Johnson was Absent.

6. MULTICULTURAL ADVISORY COMMITTEE (McRoy) - Ms. McRoy was not at the meeting, but did receive a report the next day. She noted that they apparently got hung up on Human Rights Commission's calender. She noted that she was having difficulty justifying the reworking of her schedule to attend meetings with so little focus on the legitimate concerns of the Committee.

Mr. Shoecraft noted that his frustration when he served on the MAC was also this very unfocused approach of the Committee. He felt they do not understand their role.

7. EMS TASK FORCE MEETING (Shoecraft) Mr. Shoecraft reported that what they did was go over the final report that they want to submit to the other EMS Task Force - for their information only. Not for them to pick it apart, review it and get into a whole different arena; but just sharing information.

Most of the members are going to share the information with the EMS Board. They felt it was not the Boards position to approve or disapprove this particular document that they want to submit as part of the negotiation between Rural Metro and the City. They said Thursday that they wanted it to be known that this is not something that the Administration or Rural Metro can or should consider, this is just their thoughts and opinions; if they want to use them, good; if they don't, they don't have to. This Task Force wanted that to be made very clear. This was all well received by everyone in attendance.

So, we're done, pretty much as a Task Force. They will submit that report to the Council for your information.

Ms. Seng commented that she and Mr. Camp were really proud that Mr. Shoecraft had gone on Council business Thursday morning because Mr. Camp and she were the only Council Members present at the Joint School Board/Council meeting that met at 7:30 a.m. Thursday morning. Ms. Seng explained that the School Board Members were upset that more Council Members were not there. She told the Board that they need to talk to the members who were not there.

Mr. Cook commented that these public meetings were being discussed at another meeting, where the public is invited to come in at 7:30 in the morning. He stated at that meeting that they might think about holding the meetings at 7:30 at night for the public. He commented that perhaps a different schedule might be more convenient. Mr. Shoecraft commented that with the make-up of this Council, that 7:30 in the morning meeting time isn't very well received.

8. PARKS & REC. ADVISORY BOARD MEETING (Shoecraft) - Mr. Shoecraft did not attend the meeting.

#### **OTHER MEETINGS - None**

### **III APPOINTMENTS/REAPPOINTMENTS**

1. MEMO from Jennifer Brinkman - RE: Upcoming Appointments (See Memo)  
List of Upcoming Board Appointments for March and April  
Lincoln-Lancaster Women's Commission - 1 Appointment  
Emergency Medical Services - 1 Appointment  
Gas Piping Exam Board - 5 Appointments  
Heating Ventilating & Cooling Examiners Board - 1 Appointment  
County-City Board of Health - 3 Appointments  
Historic Preservation Commission - 3 Appointments  
Parks & Recreation Advisory Board - 3 Appointments

Ms. Harrell commented that a week ago, Ms. Brinkman had sent Council a Memo on the Energy Commission and Traffic Safety Commission disbandment. Ms. Seng noted that no one has made any comments. Ms. Harrell responded that no one has made any comments to the Mayor's Office either. She stated that in the absence of any comments, they would just proceed with the disbandment. She noted that since they are not meeting, it might as well be done. Mr. Camp commented that he thought it was great that these reviews and actions were being taken. Ms. Seng stated that she had commented at the Directors' Meeting that at the time the Energy Commission was terribly important, but we've lived past that point now.

Ms. Harrell commented that she would, then, instruct Ms. Brinkman to move ahead with the action. Mr. Cook commented that if OPEC raises prices, it may be necessary to reinstate the Commission. Ms. Harrell stated that they would be back within the year to review this. If it is deemed necessary, we would construe it as a sign of the times.

Mr. Fortenberry asked if Administration was looking for comments on appointments. Ms. Harrell stated that the memos are sent to allow Council any feedback they might want if they have an appointee they wish considered, or if they have any concerns regarding any proposed appointees or any part of the process.

Mr. Fortenberry noted that the Health Board has re-elected Mary Helen Elliott as President and Betsy Palmer as the Vice-President. He noted that they were both up for reappointment. Mr. Shoecraft commented, so that everybody knows, eligibility for reappointment does not mean that Administration will make that appointment. Ms. Harrell agreed that that was not a guarantee that they would be reappointed, only that they're eligible.

Ms. Seng commented that the three appointees for the Historic Preservation Commission are all very talented, fine people.

Mr. Camp stated that he had sent a memo to the Mayor's Office on Neil Westphal requesting his reappointment to the EMS. Mr. Shoecraft commented that he didn't want wars in the future; but noted that we can all say we'd like to see this person or that person appointed, but let's just all know that it may not happen. The Administration will say yes or no to reappointments. We can put in our two cents now, but... Ms. Seng commented that that is what Ms Harrell is asking for. Mr. Shoecraft commented that Ms. Seng had made her comments, but whether the Mayor accepts your comments or not is a different story, right? Ms. Seng said she'd beat him up if he didn't. [Laughter]

Mr. Camp stated that he disagreed with Mr. Shoecraft noting that Council input should be weighed in the decisions. Mr. Shoecraft commented that he was sure it would be, but the final decision is the Mayor's for appointments. Mr. Camp noted that the final decision is the Council's vote of approval. Mr. Shoecraft noted that Council does confirm or deny appointments, that is true. Mr. Cook noted that Council didn't make the choice, but did approve or disapprove them.

Mr. Fortenberry commented, regarding the Board of Health appointments, that he felt Mary Helen Elliott has done an outstanding job. Betsy Palmer was just appointed last year. Mr. Camp stated that he was impressed with what Mary Helen Elliott has done on the Board.

Ms. Seng indicated that Council would move on to other items

#### **IV. MEETINGS/INVITATIONS - *Noted without Comment***

#### **V. COUNCIL MEMBERS**

##### **JON CAMP** - No Further Comments

**JONATHAN COOK** - Mr. Cook stated that he had a few items for discussion. The item he asked about regarding [LMC}27.63.700 involves permitting vehicles to be stored for sale or re-sale in B-3, H-2, H-3, I-2 zoning. He stated that attorney Michael Rierden has asked him that an amendment be made that would allow parking not only in the front yard, but also in the side yard of any of those zoning districts. Mr. Cook commented that Mr. Shoecraft had been talking about the issue of used vehicle lots next to residential areas. He felt this could make that encroachment problem worse. Mr. Cook commented that before we go forward with changing this, Council might want to put in some kind of buffering requirements. Mr. Cook felt discussion with Staff would be appropriate on this topic.

Mr. Shoecraft commented that John [Bradley] was working on that issue now. Mr. Shoecraft noted that Mr. Bradley had received the facts and information from Omaha on what they have done. Mr.



Bradley is trying to dissect that information and come forward with something for Council. Ms. Harrell commented that that amendment to the Code is just now being applied for, so it has yet to go to Planning before it comes to Council. Mr. Shoecraft commented that that would give us some time before it comes before Council. Ms. Harrell stated that she would speak to Mr. Bradley about it and tell him that Council has already expressed concerns about the issue.

Mr. Cook asked if the Common meeting was definite, since there was some question as to whether or not there would be sufficient agenda items to warrant a meeting. [It has been scheduled].

Mr. Cook asked about the “takings bill” in the House Bill issue as presented in the *Cities Weekly* magazine. Ms. Seng requested Mr. Roper to look into the issue, since she believed municipalities would have trouble with this issue. Mr. Roper commented that the bill would allow people to sue on zone changes - in Federal Court. Mr. Cook feared that now, every time Council turns down a developers request, they’ll pursue court action. He felt this would really undermine the local authority.

Mr. Cook asked about the Health Board minutes. He noted that the minutes indicate that “Ms. Elliott stated that City Council Members will be holding a public hearing an ordinance regarding public nudity on January 31st. *They* requested support from various organizations and committees for the ordinance revision. *They* asked for the Board of Health’s support of the proposed changes.” [Mr. Cook’s emphasis] Mr. Cook stated that he was concerned about what “they” means. He noted that he did not remember that the Council as a body requesting support; or that we made a request that someone come in with opposing support. He stated that he did not believe that this was something Council did, and wondered if there was a misunderstanding with the Board of Health?

Mr. Fortenberry commented that he had asked Mr. Elliott to look at it and take it before the Board. Mr. Cook asked then if she mistook Mr. Fortenberry’s request as a Council request. He felt it was important to remember that the Council is a body and each member has to be very careful when talking about these sorts of things not to give any indications that the individual is speaking for the Council. He noted that in this case, it looks like the Board of Health thought this was a request from the Council. This was discussed briefly.

**JEFF FORTENBERRY** - No Further Comments

**CINDY JOHNSON** - Absent

**ANNETTE McROY** - No Further Comments

**COLEEN SENG** - No Further Comments.

**JERRY SHOECRAFT** - No Further Comments

**ANN HARRELL** - No Further Comments

**DANA ROPER** - No Further Comments

**VI. REQUESTS OF COUNCIL FROM MAYOR - None**

**VII. MISCELLANEOUS**

ADDENDUM

1. TELEPHONE CALL - From Officer Tom Duden of LPD. He has requested 15 Minutes at the beginning of the night meeting on Monday, March 27th to honor the Lincoln businesses that participated in the Santa Cop program last year. There are 12 plaques to be presented. He thought it would take approx. 15 minutes to have a representatives from each come forward (as a group), say a few words about each ones contribution and present the plaque. Would this be possible? (441-7204/421-7188)

This was discussed briefly. Council felt the time requested was too long, noting that the Mayor has less time than that for the Monthly Mayor's Awards of Excellence presentations. Another concern expressed was that the Council would become a ceremonial body with frequent requests for such presentations. It was decided that if Officer Duden wanted to make a presentation it could be done by resolution and have 5 minutes of public hearing time for the presentation. He was to contact the Law Office if this is what he would like done. [Officer Duden decided to make other arrangements]

**VIII. MEETING ADJOURNED** Approximately 1:05 p.m.